



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,525	04/01/2004	Jorn Rohrbach	ROSPAU P02AUSD1	3475
20210	7590	10/06/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			PHAN, THIEM D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

211

Office Action Summary	Application No. 10/815,525	Applicant(s) ROHRBACH ET AL.	
	Examiner Tim Phan	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
 4a) Of the above claim(s) 32-36 and 38-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/937,944.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/01/04, 6/28/04 & 9/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicants' election of Species I, Claims 30, 31 and 37, filed on 9/06/06 is acknowledged.

The Restriction mailed on 8/01/06 has been carefully reviewed and is held to be proper. Applicants did not distinctly and specifically point out any logical error in the Restriction Requirement. Moreover, due to the lack of traversal on the merits, Applicants' election of Species I, Claims 30, 31 and 37, has been treated as an election without traverse.

Accordingly, Claims 32-36 and 38-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being allowable generic or linking claim 29 to the whole claimed invention.

The Restriction filed on 8/01/06 is hereby **made Final**.

Applicants are required to cancel these nonelected claims (32-36 and 38-48) or take other appropriate action, if original claim 29 is not allowed.

An Office Action on the merits of Claims 29-31 and 37 now follows.

Specification

2. The disclosure is objected to because of the following informalities:
- The attempt to incorporate subject matter into this application by reference to the Claims (Specification, page 9, sections [042] to [047]) is improper because a cancellation or renumbering of the Claims will render the disclosure awkward and confused;
 - On page 2 of the amendment of the cross reference (filed on 04/01/04), section [002], insert a Heading to the paragraph: -- CROSS REFERENCE TO RELATED DOCUMENTS --; and in the same section [002], line 1, after “This application”, insert: -
- is a Division of U.S. Application No. 09/937,944, filed on 10/02/01, now US Patent No. 6,718,624, which --;
 - The following title is suggested: “A System for Preparing Insulation Stripping and Processing of a Cable”.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 29-30 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed language is confused and awkward, such as:

- the language "... a first device for cable preparation being upstream of a first cable insulation stripping device ... a second device being one of **downstream** and connected in **parallel** to the first cable insulation stripping device;" (Claim 29, lines 2-4) it is unclear and confused as to why and how the first device, the second device and the first cable insulation stripping device are positioned themselves with respect to each other;
- "... at least one of the first devices ... one of the second devices ..." (Lines 6 & 7) it is unclear as how many first and second devices are claimed and it appears that there is only one first device and one second device;
- "the first program control ... provides, in an operating state, first process data specific ..." (Lines 8-11) and "a program of the second program control comprises at least one computational instruction to combine the first process data ..." (Lines 11-15) it is unclear as to exactly what applicants are referring to with a programming process and/or they do not positively recite the limitations of the claimed system or apparatus but it appears that applicants want to claim a system or apparatus as recited in the preamble.

The claims 29-30 and 37 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with confused and unclear limitations. They omit essential steps of elements or necessary structural cooperative relationships of elements. *In re Collier*, 158 USPQ 266.

A complete or revision of claims is advised.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 29-31 and 37, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nazerian et al (US 5,343,605).

With regard to claim 29, Nazerian et al teach a wire marking, cutting and stripping apparatus, comprising at least one of a first device (Fig. 1a, 116 & 143a) for cable preparation being upstream of a first cable insulation stripping device, at least one of a second device (Fig. 1a, 110) for further processing of cables being one of downstream and connected in parallel to the first cable insulation stripping device; wherein arranged in the at least one of the first devices is a first program control (Col. 4, line 9) and arranged in the at least one of the second devices is a second program control (Col. 3, lines 25-27). The functional steps of Claim 29 “ the first program control ... provides, in an operative state, first process data ... the second program control comprises at least one computational instruction ... at least one of a second device.” (Lines 8-15) are considered to be a manner in which the stripped wires for the system or apparatus to be produced so this manner of production does not distinguish over the system/apparatus of Nazerian et al (Abstract; col. 10, lines 48+) and Nazerian et al at a minimum suggest the claimed system/apparatus invention.

With regard to claim 30, Nazerian et al teach a system with a third program control for data transfer unit, concerning a computerized system (Fig. 1a, 114) with fixed bus interface (Fig. 1a, 132 or 132a).

With regard to claim 31, Nazerian et al teach a computerized system (Fig. 1a, 114) to have a complete feedback and data control (Fig. 1a, arrows) between all the program controls.

With regard to claim 37, Nazerian et al teach a computerized system (Fig. 1a, 114) to have a complete feedback and data control (Fig. 1a, arrows) between all the program controls through the data bus (Fig. 1a, 132 & 132a).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M - F, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the

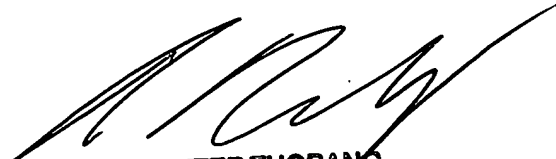
Art Unit: 3729

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Phan
Examiner
Art Unit 3729

tp
September 29, 2006



A. DEXTER TUGBANG
PRIMARY EXAMINER